

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

HOME INVESTMENT FUND V LP,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 2:20-cv-00017-NT
)	
RICHARD DUNNE,)	
)	
Defendant.)	

**FORECLOSURE PROCEDURAL ORDER AUTHORIZING PLAINTIFF TO
SEEK A DEFAULT JUDGMENT ON DOCUMENTARY EVIDENCE**

Default was entered in this foreclosure case on May 6, 2020. (ECF No. 6.) The Plaintiff has now filed a motion seeking default judgment. (ECF No. 13.)

Because of the threat to public health and safety presented by public gatherings during the COVID-19 pandemic, in-court hearings must now be limited to critical, time-sensitive matters. Accordingly, in order to protect public health and safety, and to reduce the size of public gatherings and unnecessary travel, it is ORDERED that the Plaintiff may proceed by submitting documentary evidence to establish its entitlement to default judgment. *See* 10A Wright & Miller, *Federal Practice & Procedure* § 2688 (2019) (“It is within the court’s discretion to determine if a hearing is necessary or if sufficient information is available to determine damages without one.”); 2 Steven S. Gensler, Lumen N. Mulligan, *Federal Rules of Civil Procedure, Rules and Commentary: Rule 55* (2020) (“When a hearing is needed, the court has discretion to determine the format of the hearing. A live evidentiary hearing is not always required.”).

If the Plaintiff desires to proceed with a default judgment on documentary evidence, the Plaintiff must satisfy the following requirements:

1. File, within 30 days of the date of this Order, a motion requesting that the Court proceed with default judgment of the foreclosure count on a paper record and include all affidavits and documentary evidence necessary to establish entitlement to default judgment.
2. Stipulate that if a foreclosure judgment is granted, it agrees to dismiss all claims for deficiency judgment.
3. Establish the consent to proceed on the papers, and without a hearing, by all parties-in-interest who have not been defaulted.
4. Provide evidence on whether the property is currently occupied and, if unoccupied, when the property was last occupied.

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 13th day of October, 2020.